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**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES COLEMAN,

Plaintiff,

v.

IC SYSTEM,

Defendant.

) **Case No.:**

)

)

) **COMPLAINT AND DEMAND**

) **FOR JURY TRIAL**

)

)

) **(Unlawful Debt Collection Practices)**

)

)

COMPLAINT

CHARLES COLEMAN (“Plaintiff”), by and through his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against IC SYSTEM (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692 *et seq* and the Telephone Consumer Protection Act, 47 U.S.C. §227.

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. §1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the Commonwealth of Pennsylvania, and as such, personal jurisdiction is established.

1 15. Plaintiff has only used this phone number as a cellular telephone.

2 16. Defendant was attempting to collect an alleged consumer debt from Plaintiff.

3 17. Plaintiff does not have any business debts, so the debt that Defendant has been
4 contacting Plaintiff about could only have been incurred for personal, family or household
5 purposes.

6 18. Beginning in January 2014 and continuing through March 2016, Defendant
7 contacted Plaintiff by calling his cellular telephone in its attempts to collect an alleged personal
8 debt.

9 19. During this time, Plaintiff received automated calls that would begin with a
10 noticeable delay before being transferred to Defendant's representatives or automated calls with
11 pre-recorded messages from Defendant that said they were calling about a "very important
12 matter."

13 20. Defendant has placed telephone calls to Plaintiff from the phone number (208)
14 515-7470. The undersigned has confirmed that this phone number belongs to Defendant.

15 21. Plaintiff revoked any consent he may have previously provided in January or
16 February 2014.

17 22. However, the telephone calls to Plaintiff's cellular telephone continued despite
18 Plaintiff's repeated requests to stop calling.

19 23. After numerous requests to Defendant to stop calling had failed, Plaintiff was
20 forced to block calls from Defendant's phone number.

21 24. Upon information and belief, Defendant conducts business in a way that violates
22 the Telephone Consumer Protection Act.
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1 33. Defendant's acts as described above were done with malicious, intentional,
2 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
3 purpose of harassing Plaintiff.

4 34. The acts and/or omissions of Defendant were done unfairly, unlawfully,
5 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal
6 defense, legal justification or legal excuse.

7 35. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
8 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles
9 damages.

10
11 WHEREFORE, Plaintiff, CHARLES COLEMAN, respectfully prays for
12 judgment as follows:

- 13 a. All actual damages suffered by Plaintiff pursuant to 15 U.S.C.
14 §1692 (k)(a)(1);
15
16 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant
17 to 15 U.S.C. §1692 (k)(a)(2)(A);
18
19 c. All reasonable attorneys' fees, witness fees, court costs and other
20 litigation expenses incurred by Plaintiff pursuant to 15 U.S.C. §1693 (k)(a)(3);
21
22 d. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);
23
24 e. Statutory damages of \$500.00 per violative telephone call
25 pursuant to 47 U.S.C. § 227(b)(3)(B);
26
27 f. Treble damages of \$1,500.00 per violative telephone call pursuant
28 to 47 U.S.C. §227(b)(3);

- 1 g. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);
- 2 h. Any other relief deemed appropriate by this Honorable Court.

3

4 **DEMAND FOR JURY TRIAL**

5 PLEASE TAKE NOTICE that Plaintiff, CHARLES COLEMAN, demands a jury trial in

6 this case.

7

8 Respectfully submitted,

9

10 Dated: May 26, 2016 By: /s/ Amy L. Bennecoff Ginsburg, Esq.

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